

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q95455

Takashi YAMASHITA, et al.

Appln. No.: 10/585,693

Group Art Unit: 1632

Confirmation No.: 4348

Examiner: NOT YET ASSIGNED

Filed: July 10, 2006

For: TRANSGENIC BIRD AND METHOD OF CONSTRUCTING THE SAME

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, and therefore no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

An English translation of the International Search Report (ISR) for the counterpart Application No. PCT/JP2004/016438 was filed with the Information Disclosure Statement of July 10, 2006. Furthermore, an English language International Preliminary Report on Patentability (IPRP) for PCT/JP2004/016438 is submitted herewith for the Examiner's information, identifying the same 4 documents that were cited in the ISR.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents listed below, Applicant submits the following explanations:

1. The indication in the ISR and in the IPRP of the degree of relevance found by the foreign patent office for The Society of Chemical Engineers, Japan, Shuki Taikai Kenkyu Happyo Koen Yoshishu, 2003, vol. 36th, pp. 780, each constitutes a concise statement of relevance.

2. The indication in the ISR and in the IPRP of the degree of relevance found by the foreign patent office for The Society of Chemical Engineers, Japan, Shuki Taikai Kenkyu Happyo Koen Yoshishu, 2003, vol. 36th, pp. 781, each constitutes a concise statement of relevance.

3. The indication in the ISR and in the IPRP of the degree of relevance found by the foreign patent office for The Molecular Biology Society of Japan, Nenkai Program Koen Yoshishu, 2003, vol. 26th, pp. 791, 2PC-182, each constitutes a concise statement of relevance.

4. The indication in the ISR and in the IPRP of the degree of relevance found by the foreign patent office and the submission of an English language abstract for JP 2002-176880

each constitutes a concise statement of relevance of JP 2002-176880. Also, U.S. Patent Publication No. 2005/0022260 claims priority from JP 2002-176880.

5. The Background Art disclosure at pages 1 - 2 of the present specification constitutes a concise statement of relevance of JP 2001-520009.

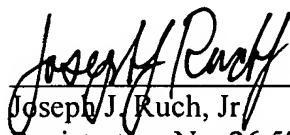
Applicant notes that JP 2001-520009 attached hereto is submitted with no English language translation because no English language translation was available; if the Examiner may need a further translation, please advise.

Applicant encloses herewith a copy of an English translation of the International Preliminary Report on Patentability (IPRP) citing such documents indicating the degree of relevance.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 9, 2006

Substitute for Form 1449 A & B/PTO  <b><u>INFORMATION DISCLOSURE</u></b> <b><u>STATEMENT BY APPLICANT</u></b>  <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/585,693
				Confirmation Number	4348
				Filing Date	July 10, 2006
				First Named Inventor	Takashi YAMASHITA
				Art Unit	1632
				Examiner Name	NOT YET ASSIGNED
Sheet	1	of	1	Attorney Docket Number	Q95455

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US 2005/0022260	A1	01-27-2005	Iijama et al
		US			
		US			
		US			
		US			
		US			
		US			
		US			
		US			

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		JP	2002-176880		06-25-2002	KANEGAFUCHI CHEMICAL IND	ISR, IPRP and Abstract
		JP	2001-520009				

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		The Society of Chemical Engineers, Japan, Shuki Taikai Kenkyu Happyo Koen Yoshishu, 2003, vol. 36 <sup>th</sup> , pp. 780, with its relevant information	
		The Society of Chemical Engineers, Japan, Shuki Taikai Kenkyu Happyo Koen Yoshishu, 2003, vol. 36 <sup>th</sup> , pp. 781, with its relevant information	
		The Molecular Biology Society of Japan, Nenkai Program Koen Yoshishu, 2003, vol. 26 <sup>th</sup> , pp. 791, 2PC-182 with its relevant information	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.